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In re Application of: :  
Yoshinobu Ono et al. :  
Serial No.: 09/977,375 :  
Filed: October 16, 2001 :  
For: 3-5 GROUP COMPOUND SEMICONDUCTOR :  
AND LIGHT-EMITTING ELEMENT :

DECISION ON PETITION

This is a decision on the petition, filed September 27, 2004, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failing to timely file the appeal brief<sup>1</sup>. A Notice of Abandonment was mailed on July 28, 2004.

Petitioner states that the appeal brief was timely filed on July 19, 2004 as evidenced by a copy of the postcard receipt from the USPTO.

The file record indicates that the appeal brief was timely filed on July 17, 2004. The application was not abandoned in fact.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The examiner will consider the appeal brief and take appropriate action.

<sup>1</sup> The Notice of Abandonment incorrectly indicated that the case was held abandoned for failure to respond to the final Office action.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

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James Dwyer, TC Director  
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